

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Craig Mixan on 5/5/2008.

The application has been amended as follows:

Delete "H or" from the definition of X in claims 5 and 6.

REASON FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1, and 3-6 are allowed. Closest prior art is KRUMMEL et al. (US Patent 6,352,635). Since the compounds containing X = F are shown to be unexpectedly more active than corresponding H, as presented in Schmitzer's affidavit, these compounds which are F-3 the analogous 5-fluoro substituted compound are considered allowable. As shown in Mr. SCHMITZER'S affidavit, and in the arguments filed in brief (page 9) the vinyl analog of the present invention F-3 (GR80 pre 79; GR₈₀ post 95) is unexpectedly more active than the corresponding analogs suggested by the prior art, H-3 (GR₈₀ pre 709; GR₈₀ post 387) and Cl-3 (GR₈₀ pre 939; GR₈₀ post >500).

Prior art does not teach unexpected results as as has been presented in the affidavit filed by applicants.

Examiner thanks Mr. Craig E. Mixan for his co-operation during the prosecution of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

COMMUNICATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha Qazi whose telephone number is (571) 272-0622. The examiner can normally be reached on any business day except Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krass Frederick can be reached on (571) 272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sabiha Qazi/
Primary Examiner, Art Unit 1612